

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DAVID DIXON, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 4:19-cv-0112-AGF
)	
CITY OF ST. LOUIS, et al.,)	
)	
Defendants.)	

ORDER

This matter is before the Court on review of the file. Following the Eighth Circuit’s decision vacating this Court’s preliminary injunction order (ECF No. 139), in March 2020, the Court directed the parties to file, within two weeks after the mandate, a proposed schedule for further proceedings. ECF Nos. 141, 142. One week following the mandate, Plaintiffs sought leave to renew their motion for preliminary injunction specifically in light of the COVID-19 pandemic. ECF No. 147. By Order dated April 6, 2020, this Court declined to expand the scope of this case in such a manner and set a briefing schedule for Plaintiffs’ renewed motion for preliminary injunction on the original issues in this case. ECF No. 153. The Order contemplated that, upon completion of briefing, the Court would convene a conference call to discuss further proceedings on Plaintiffs’ motion. ECF No. 153. Later that same day, however, the parties filed a joint scheduling plan (“JSP”) in response to the Court’s earlier order, and the Court entered a scheduling order accordingly. ECF Nos. 154, 159. But the JSP filed by the parties failed to address, in any respect, the

anticipated renewed motion for preliminary injunction and any discovery that might be required on a potentially expedited basis.

On April 13, 2020, Plaintiffs filed their renewed motion for preliminary injunction. ECF No. 160. On May 13, 2020, Defendants filed their briefs in opposition to the motion. ECF Nos. 165, 167. Defendants also filed motions for judgment on the pleadings. ECF Nos. 166, 170. And the Defendant Judges filed a motion for leave to amend their answer (ECF No. 169) and a motion to decertify the Plaintiff class (ECF No. 171). In response to Defendants' motions, on May 26, 2020, Plaintiffs filed a motion to stay all briefing deadlines in order to obtain discovery in the form of bail hearing transcripts to resolve a key factual dispute, reflected in the parties' respective filings, regarding the Defendant Judges' current, actual compliance with Missouri Supreme Court Rule 33.01.

As noted above, the parties' previous JSP did not address, and the Court's resulting scheduling order was not intended to govern, preliminary injunction proceedings. Consequently, the parties will be directed to confer and submit a joint proposed schedule specific to Plaintiffs' renewed motion for preliminary injunction. If the parties are unable to agree on a schedule, the parties shall include separate statements on any aspects of the schedule on which they are unable to reach agreement. Following receipt of the parties' proposal, the Court will schedule a conference call if necessary and will enter an order setting the scope and schedule for discovery on Plaintiffs' motion for preliminary injunction, supplemental briefing, other pre-trial matters, and a hearing date. The Court will stay further briefing on Defendants' motions until it determines what additional discovery will be permitted.

The Defendant Judges' motion for leave to amend their answer is timely, and Plaintiffs have not objected. As such, that motion will be granted. ECF No. 169.

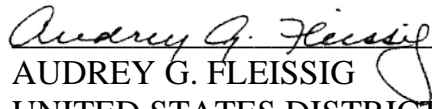
Accordingly,

IT IS HEREBY ORDERED that the parties shall confer in good faith and shall file by **June 16, 2020**, a joint proposed schedule specific to Plaintiffs' renewed motion for preliminary injunction, including:

1. What specific additional discovery is required to resolve Plaintiffs' motion for preliminary injunction, and a schedule for such discovery;
2. What, if any, other discovery may be needed to resolve Defendants' motions;
3. When the parties will be prepared for a hearing on Plaintiffs' motion for preliminary injunction, and how long the hearing is expected to last; and
4. Whether the parties anticipate having live testimony and seek to conduct the hearing in person, as opposed to by video or teleconference.

IT IS FURTHER ORDERED that Plaintiffs' motion to stay is **GRANTED in part**. ECF No. 172. All briefing deadlines on Plaintiffs' motion for preliminary injunction (ECF No. 160) and Defendants' motions for judgment on the pleadings and to decertify the class (ECF Nos. 166, 170, 171) are **STAYED** pending further order of the Court.

IT IS FURTHER ORDERED that the Defendant Judges' motion for leave to amend their answer is **GRANTED**. ECF No. 169.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 9th day of June, 2020.